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Docket No.: 4502-001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James F. LOUGHREY

Serial No. 09/726,394

Filed: December 1, 2000

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Group Art Unit: 2821

Examiner: W. Lee

*4th / Response
2/5/03
HBM*

For: VARIABLE OUTPUT SINGLE CONSTANT SOURCE LIGHT FIXTURE

RESPONSE UNDER ARTICLE 34

BOX PCT

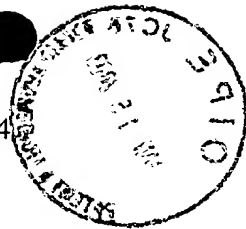
COMMISSIONER FOR PATENTS

Washington, D. C. 20231

Sir:

The Examiner has indicated that claims 1, 2, 5, 6, and 8-13 lack novelty under PCT Article 33(2) in view of U.S. Patent 6,031,343 (hereinafter the '343 patent). The Examiner asserts that the base of the LED of the '343 patent is equivalent to the power source connector as claimed in claim 1 and that the address module of the '343 patent is equivalent to the computerized light control. Claim 1 claims, in part, "a power source connector having a standard light bulb base for connecting the computerized variable intensity light bulb to a standard light bulb socket as a power source." The base of the LED of the '343 patent cannot be equated to the power source connector as the LED has already been equated to the "plurality of light sources" recited in claim 1. According to the Examiner's assertions as applied to claim 1, the light sources (LEDs) are receiving power from the light control (address module) which in turn receives power from the power source connector (LEDs). This is a nonsensical and incorrect result. As described in the '343 patent, the LEDs are not equivalent to the power source connector as claimed in claim 1 and the address module does not receive power from the LEDs. The Examiner appears to be picking and choosing elements of the reference to combine without any rationale for the selection or combination.

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The Examiner has failed to consider the limiting language of a light bulb base present in claim 1. There is no description of a power connector in Recknagel having a light bulb base as claimed in claim 1. For at least this reason, claim 1 is patentable over the '343 patent and the rejection should be withdrawn.

Further, with respect to claims 12 and 13, the Examiner asserts that the '343 patent discloses a single connectable replacement for an existing light and the light fixture inherently comprises a single screw in replacement element for incandescent lamp bulb. The Examiner is incorrect as claim 12 requires that the claimed "self-contained computerized variable intensity light bulb" is a single connectable replacement for an existing light source and not that the light bulb has a single connectable replacement. Nor does claim 13 state that the light bulb comprises a single screw in replacement element, the claim requires that the "light bulb is a single screw-in replacement element". The '343 patent fails to describe, suggest, or teach a light bulb according to either claims 12 or 13 wherein the light bulb is a single connectable replacement for an existing light source (as in claim 12) or wherein the light bulb is a single screw-in replacement element (as in claim 13). For at least this reason, and for the reasons advanced above with respect to claim 1 from which claims 12 and 13 depend, claims 12 and 13 are patentable over the '343 patent and the rejection should be withdrawn.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Randy A. Noranbrock
Registration No. 42,940

Date: January 15, 2003
Lowe Hauptman Gilman & Berner, LLP
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111

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